

Town Board Minutes

July 17, 2006

Meeting No. 23

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17th day of July 2006 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: MARK MONTOUR, COUNCIL MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
GEORGE PEASE, ASSISTANT BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
DAVID BROWN, DIR. OF ADMINISTRATION & FINANCE

EXECUTIVE SESSION:
UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA, to deliberate in Executive Session for the announced purpose of discussing a personnel matter in the Police Department, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 9:52 P.M. the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

James J. Parkes III, CPA, Partner in Fox & Company, LLP, delivered a synopsis of Town's financial status to the Town Board.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- former Depew Public Library on Columbia Avenue

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- amendment to residential drainage regulations
- public improvements within subdivisions
- Town Hall restroom plumbing

Haniszewski, Timothy, 971 Ransom Road, spoke to the Town Board on the following matter:

- his Special Use Permit application for 971 Ransom Road.

PUBLIC HEARING SCHEDULED FOR 8:35 P.M.:

At 8:35 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Zoning Map of the Town of Lancaster as petitioned by Park Lane Apartments, LLC (Meadowood Apartments II) for a rezone from a Residential District One (R-1) to a Multi-Family Residential District Four (MFR-4) for a parcel of land on Transit Road behind Kohls Department Store.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Mark Dean, Architect representing the developer		Proponent
Cheryl Trzecki	26 Petersbrook Circle	Questions/Comments
Jim Murphy	24 Petersbrook Circle	Questions/Comments
Lee Chowaniec	93 Northwood Drive	Questions/Comments
Tim Brown	19 Petersbrook Circle	Questions/Comments
Jim Pietz	Kohl’s Department Store	Questions/Comments
Rose Tyrpak	30 Petersbrook Circle	Questions/Comments

ON MOTION BY COUNCIL MEMBER AMATURA, AND SECONDED BY COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 9:14 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter.

July 17, 2006

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
July 3, 2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	ABSTAINED
SUPERVISOR GIZA	VOTED YES

July 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Pleasant Meadows, LLC, 2730 Transit Road, West Seneca, New York, has applied to the Town Board of the Town of Lancaster for a permit for an additional Public Improvement upon real property in the Town of Lancaster within Pleasant Meadows Subdivision I, on the west side of Juniper Blvd., and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plan and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 615, of Pleasant Meadows, LLC, 2730 Transit Road, New York, which is a permit for an additional Public Improvement on the west side of Juniper Blvd., for the installation of:

P.I.P. No. 615 Sewer)	Pleasant Meadows Subdivision I on west side (Storm Juniper Boulevard 895± L.F. of 36" H.D.P.E., 4 ea. 60" dia. manholes, 2 ea. std. road receivers, 4 ea. backyard (saddle wyes)
--------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

File: RPIP (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Namco Cybertainment, Inc. (AMF Bowling Centers- Lancaster Lanes), has applied for a license to operate and maintain a Game Room on premises located at 4913 Transit Road, within the Town of Lancaster, pursuant to Chapter 17 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Building Inspector and Police Chief for review and recommendation, and

WHEREAS, the Building Inspector and Police Chief have completed their review and made a formal, favorable recommendation to the Town Board on the issuance of this license.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to issue a license to Namco Cybertainment, Inc. (AMF Bowling Centers- Lancaster Lanes) to operate and maintain a Game Room on premises located at 4913 Transit Road, Lancaster, New York, and

BE IT FURTHER

RESOLVED, that said license shall be issued for the **one (1) year period of July 1, 2006 to June 30, 2007** in accordance with the application of the petitioner, as filed in the Town Clerk's Office, accompanied with a license fee of \$720 for ten (10) amusement devices.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

File: RLICENSE (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster desires to continue its program of improving records management in Town departments, and

WHEREAS, the Town of Lancaster is seeking additional grant monies from the New York State Education Department State Archives Local Government Records Management Improvement Fund to implement Phase II of a files management program on behalf of the Town’s Police Department, and

NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town’s grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Education Department State Archives for the purpose of securing this grant,

BE IT FURTHER

RESOLVED, that the Supervisor and Town Clerk be and hereby are authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 25 (B) (1) (b) of the Code of the Town of Lancaster, upon the application of **Timothy Haniszewski**, d/b/a Triple T. Towing, for a Special Use Permit to allow his business vehicles and towed vehicles to be on his premises and to do registered repairs and collision work on said premises located at 971 Ransom Road in the Town of Lancaster, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 25 (B) (1) (b), entitled “General Industrial District (GI) ” of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to **Timothy Haniszewski**, to allow his business vehicles and towed vehicles to be on his premises and to do registered repairs and collision work on premises located at 971 Ransom Road, in the Town of Lancaster upon the following conditions to be met by the applicant as hereinafter noted or the permit to be revoked:

- 1) asphalt paving of driveway by July 1, 2007
- 2) no outdoor storage of junked or dismantled motor vehicles or vehicles which are unregistered
- 3) all lawn areas to be maintained with weekly mowing
- 4) storage yard to be maintained in orderly condition as the Building Inspector directs

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has requested the purchase of **ONE (1) EVIDENCE COLLECTION VEHICLE** for use in the Town Police Department, and,

WHEREAS, the Chief of Police has been advised that State Senator Dale Volker has made certain funds available to the Town to be applied to this purchase, and

WHEREAS, after due review and consideration deems it in the public interest to purchase such a vehicle;

NOW, THEREFORE, BE IT
RESOLVED, as follows:

- 1. That bids be received by the Town Clerk of the Town of Lancaster, at the Town Hall, 21 Central Avenue, Lancaster, New York, on August 3, 2006 at 10:00 o'clock A.M., Local Time, for the purpose of purchasing **ONE (1) EVIDENCE COLLECTION VEHICLE** for use in the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, and
- 2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed Bids will be received by the Town Clerk of the Town of Lancaster or her designee, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time on the 3rd day of August, 2006, for the purpose of purchasing **ONE (1) EVIDENCE COLLECTION VEHICLE** for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of \$500.00, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN
Town Clerk

July 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board has been made aware that the drainage specifications for the Town address subdivision development but need to be clarified with regard to building permits on lots outside of the subdivision or on lots within a subdivision which front on an existing Town, County or State Road, and

WHEREAS, the Town Board after due review and consideration deems it appropriate to amend the specifications to address drainage as beforementioned;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby amends the drainage specifications effective immediately by adding the following specifications:

Drainage specifications for building permits outside of residential subdivisions and for building permits on existing Town, County or State roads within subdivisions shall be as follows:

- (a) installation of rear yard drainage shall be required as a part of the building permit process and shall conform to the specifications for rear yard drainage in subdivisions unless otherwise modified by the Town Engineer.
- (b) installation of side yard drainage on each side of the lot shall be required as a part of the building permit process and shall conform to the specifications used for rear yard drainage unless otherwise modified by the Town Engineer.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Anthony J. Mattiaccio, 1505 Lyell Avenue, Rochester, New York 14606, owner of Erie County Automotive Services, Inc. d/b/a Ziebart, has submitted an application for a Special Use Permit for an auto detailing and installation of auto related accessories business in accordance with provisions of Chapter 50-Zoning, Section 20 (B) (1) (j) of the Code of the Town of Lancaster to be located at 6495 Transit Road wherein the applicant will be a tenant of 81 & 3 of Florida, Inc. d/b/a Bella Vista Group, and

WHEREAS, the property is currently zoned CMS - Commercial Motor Service which permits automobile repair and services only where a special use permit is granted by the Town Board of the Town of Lancaster after a public hearing, and

WHEREAS, the owner of the property 81 & 3 of Florida, Inc. d/b/a Bella Vista Group has provided a letter stating its desire to lease the property to the beforementioned tenant for the proposed use and requests that the Town Board grant the required Special Use Permit, and

WHEREAS, §50-46 of the Zoning Code of the Town of Lancaster requires that the Town Board conduct public hearings before the issuance of a special use permit for a use as proposed;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, a Public Hearing on the proposed Special Use Permit for an auto detailing and installation of auto related accessories business on premises locally known as 6495 Transit Road in the Town of Lancaster, New York, will be held at the Town Hall, 21 Central Avenue, Lancaster, New York, on the 7th day of August, 2006, 8:30 o’clock P.M., Local Time, and that Notice of the time and place of such Hearing be published in the Lancaster Bee, a newspaper of general circulation in said Town, and be posted on the Town Bulletin Board and that a copy of such Notice of Hearing be referred to the Erie County Department of Planning, pursuant to Section 239(m) of the General Municipal Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

LEGAL NOTICE
PUBLIC HEARING
SPECIAL USE PERMIT - ZIEBART
6495 TRANSIT ROAD

LEGAL NOTICE IS HEREBY GIVEN, that pursuant to the authority set forth in Chapter 50-Zoning, Section 20 (B) (1) (j), entitled “Commercial and Motor Service District (CMS)” of the Code of the Town of Lancaster, and the Town Law of the State of New York, and pursuant to a resolution of the Town Board of the Town of Lancaster adopted on the 17th day of July, 2006 the said Town Board will hold a Public Hearing on the 7th day of August, 2006, at 8:30 o’clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear all interested persons upon the application of Anthony J. Mattiaccio, owner of Erie County Automotive Services, Inc., d/b/a Ziebart, for a Special Use Permit for an auto detailing and installation of auto related accessories business on premises locally known as 6495 Transit Road, Town of Lancaster, County of Erie, State of New York.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

July 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by memorandum dated July 12, 2006, has recommended the appointment of James R. Muench, Jr. to the position of Police Officer, and

WHEREAS, James R. Muench, Jr. has placed in the top three (3) candidates with the rating of 95%.

NOW, THEREFORE, BE IT

RESOLVED, that James R. Muench, Jr. be and is hereby appointed to the position of Police Officer, in the Town of Lancaster Police Department, effective August 6, 2006, with full benefits and salary in accordance with the departmental procedures as set forth in the current Police Benevolent Association contract.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA VOTED	VOTED YES

July 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

WHEREAS, the Dog Control Officer has recommended the appointment of **PENNY PRESTIA**, 3986 Walden Avenue, Lancaster, New York 14086 to the position of Dog Control Officer, Part Time.

NOW, THEREFORE, BE IT

RESOLVED, that **PENNY PRESTIA**, 3986 Walden Avenue, Lancaster, New York 14086 be and is hereby appointed to the position of Dog Control Officer, Part Time, with no health benefits, insurance, sick days, vacation or other benefits, effective immediately, and

BE IT FURTHER

RESOLVED, that the salary for this position is \$11.18 per hour which is 75% of the full salary of \$14.91, as set forth in the 2006 Schedule of Salaries.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

FILE: RPERS.DCO (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster accept completed Public Improvements within Pleasant Meadows Subdivision I, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated July 13, 2006 has reported his favorable review of all necessary deeds, easements and documents required to be filed for the acceptance of these public improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Pleasant Meadows Subdivision I, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

- P.I.P. No. 606 - Pavement and Curbs
- P.I.P. No. 608 - Storm Sewers & Backyard Drainage
- P.I.P. No. 609 - Water Line

and,

BE IT FURTHER

RESOLVED, that the Town Attorney is directed to attend to filing the deed causing the dedication of the road(s) to the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTGOMERY	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of
accepting new members to the roster of the Emergency Management Team.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the following new members of the Emergency Management Team:

ACTIVE MEMBERS

Catherine Ende
10 Lombardy Street
Lancaster, New York

Kevin Herzog
13 Cayuga Avenue
Lancaster, New York

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

File: RFIRE (P7)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, it is in the public interest for the Parks and Recreation Department of the Town of Lancaster to operate a playground facility in the Village of Lancaster, on property owned by the Village of Lancaster, at 16 West Drullard Avenue in said Village for the year 2006, and

WHEREAS, the Town Attorney has prepared and filed with the Town Clerk, an Agreement setting forth the terms upon which such recreational area will be utilized by the Town of Lancaster;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

- 1. That the Supervisor be and hereby is authorized and directed to execute an Agreement between the Town of Lancaster and the Village of Lancaster for the Lease by said Village of Lancaster to the Town of Lancaster of its play area on its premises at 16 West Drullard Avenue in Lancaster, for the operation of the Town’s Recreation Program during its normal summer season for the year 2006, and
- 2. That the Town Attorney make distribution of executed copies of said Agreement to the appropriate parties.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER AMATURA, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 3090 to Claim No. 3344 Inclusive

Total amount hereby authorized to be paid: \$294,811.55

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby
reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

13918	Catco	1266 Townline Rd	Er. Comm. Alt.	
13919	Bishop, Richard	63 Sawyer Ave	Er. Garage	(VL)
13920	MRM Home Impr.	53 Hess Pl	Er. Deck	
13921	Nixon, Randall	170 Steinfeldt Rd	Er. Deck	
13922	Santoro, David	14 James Pl	Er. Deck	(VL)
13923	Forbes-Cappretto	2 Valley Overlook Dr	Er. Dwlg.-Sin.	
13924	Custom Patio Rooms	480 Central Ave	Er. Res. Add.	
13925	Duro-Shed Inc	333 Stony Rd	Er. Shed	
13926	Expert Fence Co Inc	2665 Wehrle Dr	Er. Fence	
13927	Rich Pools	7 Schiffler Ct	Er. Pool-Abv Grnd	
13928	Wrazen, Frank	30 Running Brook Dr	Er. Shed	
13929	Campbell, Jodi	34 Parkedge Dr	Er. Deck	
13930	Iroquois Fence Inc	12 Broadmoor Ct	Er. Fence	
13931	Duro-Shed Inc	71 Livingston St	Er. Shed	(VL)
13932	Haun, Michael	158 Pleasant View Dr	Er. Deck	
13933	Swimco Mfg.	52 Michael Anthony	Er. Pool-In Grnd	
13934	Gary Pool Sales	200 Nathan's Trl	Er. Pool-Abv Grnd	
13935	Beauty Pools Inc	220 Enchanted Forest	Er. Pool-Abv Grnd	
13936	Duro-Shed Inc	161 N Maple Dr	Er. Shed	
13937	B & B Fence Co	101 Christen Ct	Er. Fence	(VL)
13938	Feuerstein, Thomas	256 Westwood Rd	Er. Fence	
13939	Feuerstein, Thomas	256 Westwood Rd	Er. Pool-In Grnd	
13940	Cefali, Roman	3 Field Ave	Er. Fence	(VL)
13941	Majestic Pools Inc	10 Clark St	Er. Pool-Abv Grnd	(VL)
13942	Werner, Paul	71 Brunck Rd	Er. Fence	
13943	Benderson Development	6363 Transit Rd	Er. Comm. Alt.	
13944	Buchert, James	48 Pleasant Ave	Er. Garage	(VL)
13945	Glamour Pools	75 Simme Rd	Er. Fence	
13946	Glamour Pools	75 Simme Rd	Er. Pool-In Grnd	
13947	Szczepanski, Thomas	38 Chestnut Corner	Er. Deck	
13948	Picket Fence	5464 Genesee St	Er. Fence	

13949	J Gun Enterprises	8 Pine View Ln	Er. Pool-Abv Grnd	
13950	Janicki, David	32 Hidden Trl	Er. Res. Alt.	
13951	Gary Pools	42 Roosevelt Ave	Er. Pool-Abv Grnd	(VL)
13952	Schlager, Scott	9 Creekwood Dr	Er. Pool-Abv Grnd	
13953	Essex Homes of WNY	9 Americo Ct	Er. Dwlg.-Sin.	
13954	Duro-Shed Inc	5345 Genesee St	Er. Shed	
13955	Marrano/Marc Equity	24 Red Clover Ln	Er. Dwlg.-Sin.	
13956	Kostelny, Thomas	114 Seneca Pl	Er. Deck	
13957	Ry Enterprises	37 Irwinwood Rd	Er. Res. Alt.	(VL)

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006
File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

Council Member Stempniak moved to suspend the necessary rules for immediate consideration of the following resolution, seconded by Council Member Ruffino, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster after due review and consideration has concluded that the Town owned library on Columbia Avenue in the Village of Depew is surplus in nature since the Town has identified no immediate use for the building, and

WHEREAS, the Town Board has obtained an appraisal of the building and property as a commercial use facility and desires to invite bids for the purchase of the property for commercial use, recognizing that bidders may make bids contingent upon the rezoning of the property by the Village of Depew, and

WHEREAS, the Town Board deems it in the public interest to expose the property for sale by sealed bid with a set minimum bid price, and

WHEREAS, the Town Board in inviting such bids has determined that the bid price shall be in the minimum amount of \$400,000 with the further understanding that bids offered must be such as to state that the offer is made with the improvements being in “as is” condition, and

**NOW, THEREFORE, BE IT
RESOLVED,**

1) That Town Board of Town of Lancaster hereby invites sealed bids for the Town owned library building on Columbia Avenue in the Village of Depew on the terms and conditions as set forth hereinabove with said bids to be received in the office of the Town Clerk on or before 10 AM Local Time on August 18, 2006.

2) That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee and post notices thereof as required by Law, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 17, 2006

**LEGAL NOTICE
SALE OF PROPERTY
321 COLUMBIA AVENUE, VILLAGE OF DEPEW
PUBLIC LIBRARY**

Notice is hereby given that the Town of Lancaster will receive sealed bids for the purchase of the Town owned former Depew Library building located at 321 Columbia Avenue.

Bids shall be submitted in writing in person in a sealed envelope on or before 10:00 AM, Local Time on August 18, 2006 to the office of the Town Clerk, 21 Central Avenue, Lancaster, New York.

All bids must be accompanied by a bank check in the sum of \$10,000 payable to the Town of Lancaster. The balance from the successful bidder shall be due at closing. Bid deposits from all unsuccessful bidders will be returned within 10 business days after the bid opening.

The successful bidder must enter into a contract for the purchase of the building within seven days of the acceptance of the bid by Town Board resolution. No bid may be withdrawn. In the event the successful bidder is not prepared to close within 60 days of the Town Board resolution accepting the bid the Town reserves the right to declare the contract null and void and of no legal effect.

The public library at 321 Columbia Avenue may be inspected by contacting General Crew Chief Terrence McCracken of the Town Parks and Recreation Department at 684-3320 to make an appointment.

The Board reserves the right to reject any or all bids and to waive any informalities.

TOWN BOARD OF THE
TOWN OF LANCASTER

BY: JOHANNA M. COLEMAN
Town Clerk

July 17, 2006

COMMUNICATIONS & REPORTS:

388. NYS DEC to Town Attorney -
Notification of Lead Agency Designation regarding proposed Wainwright Court Subdivision, w/s of N. Maple Drive, s. of Wehrle Drive; comments noted.
DISPOSITION = Planning Committee
389. Erie County Division of Sewerage Management to Town Attorney -
Notice of no objections to proposed Meadowood Apartments, 4845 Transit Road; comments noted. DISPOSITION = Planning Committee
390. The New York State Archives Grants Administration to Town Clerk -
Notice of grant offering for implementation of Business Process Analysis of Police Department Records. DISPOSITION = Resolution 7/17/06
391. Paul A. Tokasz, Member of NYS Assembly to Supervisor, Town Board -
Acknowledgment of receipt of letter regarding method of payment by self insured groups. DISPOSITION = Received & Filed
392. WNY Stormwater Coalition to Town Board -
Notice of available funding to support implementation of Phase II Stormwater regulations. DISPOSITION = Town Engineer
393. Joseph G. McIntosh, Mayor of Depew to Supervisor, Town Board -
Comments and concerns regarding proposed sale of former Depew Library, 321 Columbia Avenue. DISPOSITION = Received & Filed
394. Police Chief to Town Clerk -
Recommend approval of Game Room License to AMF Bowling Centers (Lancaster Lanes). DISPOSITION = Received & Filed
395. Executive Director, Youth Bureau to Supervisor -
Transmittal of NYS Office of Children and Family Services monitoring report. DISPOSITION = Received & Filed
396. New York State Department of State to Supervisor -
Notice of conference to be held in September 2006 at Orlando, Florida regarding proposed updates of International Codes. DISPOSITION = Received & Filed
397. Town Clerk to Town Board -
Transmittal of Clerk's Monthly Report for June 2006. DISPOSITION = Received & Filed
398. Caldwell Banker Commercial to Town Clerk -
Application for Special Use Permit, Erie County Automotive Services Inc., 6495 Transit Road. DISPOSITION = Resolution 7/17/06
399. Cheryl J. Trzecki to Town Board -
Comments and concerns regarding rezone petition for Parklane Apartments, Transit Road. DISPOSITION = Planning Committee
400. NYS DEC to Town Attorney -
Notification of Lead Agency Designation regarding proposed Meadowood Apartments, 4845 Transit Road; comments noted. DISPOSITION = Planning Committee
401. Town Attorney to Town Board, Planning Board -
Notification of SEQR meeting to be held Monday, July 17, 2006, 6:30 PM regarding proposed Wainwright Court Subdivision. DISPOSITION = Received & Filed
402. Town Clerk to Various News Media -
Notification of SEQR meeting to be held Monday, July 17, 2006, 6:30 PM regarding proposed Wainwright Court Subdivision. DISPOSITION = Received & /Filed

403. Supervisor to Town Clerk -
Request resolution to appoint James R. Muench, Jr. to police officer. DISPOSITION = Resolution 7/17/06
404. Dog Control Officer to Town Board -
Request appointment of Penny Prestia as Assistant Dog Control Officer, Part Time. DISPOSITION = Resolution 7/17/06
405. Concerned Residents to Planning Board Chairman -
Submission of petition objecting to rezone petition for Wendell Commons Patio Homes, south of Como Park Boulevard. DISPOSITION = Planning Committee
406. NYS Authority Budget Office to Chairman, Lancaster I.D.A. -
Letter indicating recent events and activities of the Authority Budget Office relating to public authorities. DISPOSITION = Received & Filed
407. Office of Emergency Management to Town Board -
Request for change in roster. DISPOSITION = Resolution 7/17/06
408. Building Inspector to Town Clerk -
Recommend approval of Game Room License for AMF Bowling Center (Lancaster Lanes). DISPOSITION = Resolution 7/17/06
409. NYS DOT to Town Attorney -
Notification of Lead Agency Designation regarding proposed Wainwright Court Subdivision, w/s of North Maple Dr., south of Wehrle Drive; comment noted. DISPOSITION = Planning Committee
410. NYS DOT to Town Attorney -
Notification of Lead Agency Designation regarding proposed rezone for Wendell Commons Patio Homes, south of Como Park Blvd. DISPOSITION = Planning Committee

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the meeting was adjourned at 9:52 P.M. in memory of Edward Gasiiecki.

Signed _____
Johanna M. Coleman, Town Clerk